



Order Filed on March 30, 2021
by Clerk
U.S. Bankruptcy Court
District of New Jersey

MELLINGER KARTZMAN LLC

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Attorneys for Steven P. Kartzman, Chapter 7 Trustee

In re:

ELAINA LIVA,

Debtor.

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

Case No. 19-25392 (RG)

Chapter 7

Honorable Rosemary Gambardella

Hg. Date: 3/30/21

**ORDER (I) APPROVING PRIVATE SALE OF PROPERTY OF THE ESTATE FREE
AND CLEAR OF LIENS, CLAIMS AND INTERESTS PURSUANT TO 11 U.S.C. §363;
(II) AUTHORIZING DISTRIBUTION OF SALE PROCEEDS; (III) WAIVING 14 DAY
STAY OF ORDER; AND (IV) GRANTING RELATED RELIEF**

The relief set forth on the following pages, numbered two (2) through four (4), is hereby
ORDERED.

DATED: March 30, 2021

A handwritten signature in cursive script that reads "Rosemary Gambardella".

Honorable Rosemary Gambardella
United States Bankruptcy Judge

Debtor: Elaina Liva
Case No.: 19-25392 (RG)
Caption: Order (i) Authorizing the Private Sale of Property of the Estate Free and Clear of Liens, Claims and Interests Pursuant to 11 U.S.C. §363; (ii) Authorizing Distribution of Sale Proceeds; (iii) Waiving 14 Day Stay of Order; and (iv) Granting Related Relief

THIS MATTER having been brought before the Court by Steven P. Kartzman, the Chapter 7 Trustee (the “Trustee”), by and through his attorneys Mellinger Kartzman LLC, for entry of an order (i) Authorizing the Private Sale of Property of the Estate Free and Clear of Liens, Claims and Interests Pursuant to 11 U.S.C. §363; (ii) Authorizing Distribution of Sale Proceeds; (iii) Waiving 14 Day Stay of Order; and (iv) Granting Related Relief (the “Motion”); and it appearing that notice of the motion has been duly served; and the Court having considered opposition to the Motion and the arguments of counsel, if any, and good cause having been shown, it is hereby:

ORDERED AS FOLLOWS:

1. The Trustee be, and is hereby, authorized and directed to sell the property located at 37 Sherwood Downs, Park Ridge, New Jersey (the “Property”), to Adam Bergenfeld and Kimberly Andron (the “Purchasers”) for the sum of \$450,000 less a Seller’s Concession for Buyer’s Closing Costs of \$1,500.00., free and clear of all liens, claims, interests, and encumbrances, with any valid liens, claims, encumbrances, or interests not avoided herein, to attach to the proceeds of sale in the same order of their priority pursuant to 11 U.S.C. §§363(b) and (f).

2. The Purchasers are deemed to be good faith purchasers for value within the meaning of 11 U.S.C. §363(m).

3. The Trustee shall be and hereby is authorized and directed to convey title to the Purchasers, or any entity that the Purchasers form to take title to the Property in its stead (hereinafter referred to collectively as the “Purchaser”), and to take all actions as may reasonably be required that are consistent with this Order for the purpose of effectuating the proposed sale.

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Debtor: Elaina Liva
Case No.: 19-25392 (RG)
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4. The stay of any sale pursuant to the terms of this Order as set forth in FED R. BANKR. P. 6004(h) is hereby waived, and the Trustee and Purchaser may consummate the sale approved herein immediately upon entry of this Order.

5. After the closing, the Trustee is authorized and directed to distribute the sale proceeds as follows:

- a. in the first place, the amount needed to satisfy in full any pre-petition and/or post-petition municipal taxes or other municipal liens in favor of Park Ridge;
- b. in the second place, to Vikki Healey Properties, LLC the sum of \$22,500, reflecting the 5% commission to be paid pursuant to the listing agreement with Vikki Healey Properties, LLC, with Vikki Healey Properties, LLC sharing 2.5%, with the agent for the Purchasers, Zeal Realty;
- c. in the third place, the sum of \$350,000.00, less the amounts needed to satisfy the 2020 fourth quarter property taxes and the first quarter 2021 property taxes, to Kondaur, in full satisfaction of the Mortgage against the Property;
- d. in the fourth place, the sum of \$31,000.00 to PNC, or the full amount due, in full satisfaction of the Second Mortgage against the Property, with the Trustee reserving the right to recover from the sale proceeds the reasonable and necessary costs and expenses of preserving and disposing of the Property pursuant to 11 U.S.C. §506(c);
- e. in the fifth place, the sum of \$10,000.00 to the United States of America in partial satisfaction of the Federal Lien;
- f. in the sixth place, approximately \$2,413.25, or the full amount then due, to Bears Nest Condominium Association Incorporated, in full satisfaction of the recorded Claim of Lien for Unpaid Common Charges;
- g. in the seventh place, payment to the Trustee of the Trustee's necessary fees and costs in preserving and selling the Property pursuant to 11 U.S.C. §503; and
- h. in the eighth place, to the estate with the balance of the proceeds being distributed in the order of priority provided by the Bankruptcy Code.

Debtor: Elaina Liva
Case No.: 19-25392 (RG)
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6. Following entry of the proposed Order, and upon payment as reflected above, all lien holders shall be required to file a Release or Discharge of Mortgage or a Discharge of Lien against the Property.

7. The Federal Lien shall only be released against the Property, not the Debtor individually.

8. The realtor's commission shall be paid from the sales proceeds without the need to file a fee application pursuant to D.N.J. LBR 6004-5.

9. The sale of the Property shall be free and clear of all liens, claims and interests pursuant to 11 U.S.C. §363, with any valid liens, if any, to attach to the sale proceeds.

10. The Court shall retain jurisdiction to enforce the terms of the within Order, including fixing the amounts due to secured, unsecured and administrative claimants, failing a consensual resolution with the Trustee.

11. Cristina Liva shall vacate the Property, and remove all of her personal belongings, within fourteen (14) days of the entry of this Order.

12. Should Cristina Liva fail to vacate the Property and remove all of the personal belongings at the Property, the Court shall enter an Order directing the U.S. Marshal to remove Cristina Liva, following receipt of a Certification from the Chapter 7 Trustee, on Notice to Cristina Liva.

13. A copy of this Order shall be served on all parties who are affected by this action within seven (7) days of the date hereof.

In re:
Elaina Liva
Debtor

Case No. 19-25392-RG
Chapter 7

CERTIFICATE OF NOTICE

District/off: 0312-2
Date Rcvd: Mar 30, 2021

User: admin
Form ID: pdf903

Page 1 of 2
Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Apr 01, 2021:

Recip ID	Recipient Name and Address
db	+ Elaina Liva, 37 Sherwood Down, Park Ridge, NJ 07656-2604

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Apr 01, 2021

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on March 30, 2021 at the address(es) listed below:

Name	Email Address
Anthony Sodono, III	on behalf of Debtor Elaina Liva asodono@msbnj.com
Denise E. Carlon	on behalf of Creditor PNC Mortgage a Division of PNC Bank, National Association dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
Judah B Loewenstein	on behalf of Trustee Steven P. Kartzman jloewenstein@msklaw.net
Robert Link	on behalf of Creditor Sterling National Bank successor by merger to Astoria Bank blink@msgrb.com
Steven A. Jayson	on behalf of Trustee Steven P. Kartzman sjayson@msklaw.net jloewenstein@msklaw.net; donnaz@msklaw.net
Steven P. Kartzman	

District/off: 0312-2

User: admin

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Date Rcvd: Mar 30, 2021

Form ID: pdf903

Total Noticed: 1

on behalf of Trustee Steven P. Kartzman kartztee@optonline.net
jzapata@msklaw.net;nj16@ecfcbis.com;jloewenstein@msklaw.net;denisew@msklaw.net;sjayson@msklaw.net;skartzman@msklaw.net;dkhan@msklaw.net

Steven P. Kartzman

kartztee@optonline.net
jzapata@msklaw.net;nj16@ecfcbis.com;jloewenstein@msklaw.net;denisew@msklaw.net;sjayson@msklaw.net;skartzman@msklaw.net;dkhan@msklaw.net

U.S. Trustee

USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 8